

## EXHIBIT D



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Inter Partes Reexamination Filing Data - June 30, 2009

1. Total requests filed since start of *inter partes* reexam on 11/29/99.....671<sup>1</sup>
2. Number of filings by discipline
  - a. Chemical Operation 142 21%
  - b. Electrical Operation 293 43%
  - c. Mechanical Operation 225 34%
  - d. Design Patents 11 2%
3. Annual Reexam Filings

Fiscal Yr.	No.						
2000	0	2003	21	2006	70	2009	195 YTD
2001	1	2004	27	2007	126		
2002	4	2005	59	2008	168		
4. Number known to be in litigation.....446.....66%
5. Decisions on requests .....

  - a. No. granted .....556.....95%
    - (1) By examiner 555
    - (2) By Director (on petition) 1
  - b. No. not granted.....31.....5%
    - (1) By examiner 27
    - (2) Reexam vacated 4

6. Overall reexamination pendency (Filing date to certificate issue date)
  - a. Average pendency 36.1 (mos.)
  - b. Median pendency 33.0 (mos.)
7. Total inter partes reexamination certificates issued (1999 - present) .....77
  - a. Certificates with all claims confirmed 4 5%
  - b. Certificates with all claims canceled (or disclaimed) 46 60%
  - c. Certificates with claims changes 27 35%

<sup>1</sup>Of the requests received in FY 2009, 14 requests have not yet been accorded a filing date, and 8 requests have had preprocessing terminated, for failure to comply with the requirements of 37 CFR 1.915. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).